

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Elkhafage Diaa,	§	
A 078-804-698,	§	
Petitioner,	§	
	§	
v.	§	CIVIL ACTION H-11-0721
	§	
ERIC HOLDER, <i>et al.</i> ,	§	
	§	
Respondents.	§	

MEMORANDUM ORDER OF DISMISSAL

While detained in the Corrections Corporation of America ("CCA") and in custody of the United States Immigration and Customs Enforcement Agency ("ICE"), petitioner filed a federal habeas petition pursuant to 28 U.S.C. § 2241. A document mailed to petitioner at the CCA has been returned to the Court with a statement that petitioner has been released and that a forwarding address is not available. (Docket Entry No.3).

Moreover, petitioner has not provided the Court with a forwarding address, as required by local rule 83.4. Under that rule, a *pro se* litigant is responsible for keeping the Clerk advised in writing of his current address. The Court will only send notices to the address on file. Petitioner has clearly failed to provide the Court with an accurate, current address.

Petitioner's failure to pursue this action forces the Court to conclude that he lacks due diligence. Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of

prosecution is appropriate. See Fed. R. Civ. P. 41(b); Woodson v. Surgitek, Inc., 57 F.3d 1406, 1417 (5th Cir. 1995). Petitioner is advised, however, that upon a proper showing, relief from this order may be granted in accordance with Rule 60(b) of the Federal Rules of Civil Procedure.

Accordingly, the present habeas action is DISMISSED without prejudice for want of prosecution. All pending motions, if any, are DENIED.

The Clerk will provide a copy of this Order to all parties.

SIGNED at Houston, Texas, on April 7, 2011.


EWING WEBLEIN, JR.
UNITED STATES DISTRICT JUDGE